

Appl. No. 10/782,989
Amdt. Dated April 6, 2006
Reply to Office Action of January 11, 2006

Docket No. IS01349TC
Customer No. 22917

REMARKS

Claims 1-62 are pending.

Amendments to the Specification:

It was not clear whether the Applicant's original Abstract was rejected or objected to by the Examiner, as the Examiner merely expressed an intent to "remind" the Applicant of the correct contents of an Abstract. In any event, in the hope of bringing the Abstract into compliance, the Abstract has been amended to make clear the invention as opposed to the prior art.

Indefiniteness Rejections:

Claims 10, 23, 35, and 53¹ were rejected under 35 U.S.C. § 112, ¶ 2 as being indefinite.

Claims 10, 23, and 35 as amended recite that an audible turn notification "emulates a sound produced upon manual [engagement/activation] of a turn signal selector." The Examiner says this limitation "is indefinite and unclear," but does not elaborate as to why it is unclear. Indefiniteness is a valid rejection where the bounds of the claim are not clear, e.g., when it is not clear whether Application is claiming A or B. But here, what is being claimed is perfectly clear: when an audible turn notification is broadcasted, a sound is produced which emulates the sound produced upon engagement of a turn signal selector (e.g., as is typically attached to the steering column in a vehicle). There is no uncertainty about the bounds of this limitation. If the Examiner continues to maintain this objection, he is requested to please explain why this limitation appears vague in its scope. If a valid point is made by the Examiner concerning such vagueness, the Applicant will attempt to address the issue in a next office action response. Right now, the Applicant hasn't been shown any ambiguity in the claim language chosen.

¹ From the nature of Examiner's comments, the Applicant assumes that the Examiner intended to reject the previous version of dependent claim 57, not independent claim 53, and this response assumes as much.

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The Examiner also maintains as to the previous versions of claims 10, 23, 35, and 57 that the limitations in the claims are in conflict. The Examiner's basic point is that it is conflicting to say that the turn signal indicators can be activated both via the turn signal notification and the turn signal selector.

To address this point, the Applicant has amended various claims to specify that the turn signal indicators can be "manually" engaged/activated via the turn signal selector.² Basically, claims 10, 23, 28, 43, and 53 now make clear that the turn signal indicators can be automatically activated under some circumstances (issuance of a turn signal notification), but can also be manually activated by the driver via a turn signal selector. This is therefore no longer ambiguous, and the limitations are not in conflict, as separate conditions for automatic or manual activation of the turn signal indicators are now clearly specified, preventing one limitation or condition from "negating" the other.

Rejections Based on Prior Art:

In responding to the Examiner's prior art rejections, the Applicant here only justifies the patentability of the independent claims (i.e., claims 1, 14, 28, 43, and 53). As the Examiner will appreciate, should these independent claims be patentable over the prior art, narrower dependent claims would also necessarily be patentable. Accordingly, the Applicant does not separately discuss the patentability of the dependent claims, although it reserves the right to do so at a later time if necessary.

All of the independent claims 1, 14, 28, 43, and 53 stand rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent Publication No. 2001/0039475 ("McCarthy").

McCarthy comprises a "Mirror-Based Global-Positioning System (GPS) Navigation Solution." McCarthy, Title. As is relevant here, McCarthy's system includes a rear-view mirror which displays "driver information messages such as turn-by-turn instructions." McCarthy, ¶ [0010]. An example of such an instruction is shown in the rear-view mirror assembly of Figure 1, which contains a dot matrix display 18 at its

² This amendment was made to: (1) dependent claims 10 and 23; and to (2) independent claims 28, 43 and 53, thus negating the need to make the same amendment to rejected dependent claims 35 and 57.

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bottom, which in Figure 1 reads "Turn right on Swan. (.8 mi East)." McCarthy's system, once provided a destination (see data input system 22, comprising 24, 30, or 26) and in conjunction with GPS technology, can provide such readable instructions to the driver to assist in making turns at the correct locations.

Claim 1 as amended recites that the "turn signal indicator comprises a pair of indicators comprising a left turn indicator and a right turn indicator." In embodiments of the invention, such as pair of indicators can comprise the right/left turn indicators such as those disclosed by the Applicant, including those proximate to an instrument cluster on a dashboard (90, Fig. 3), on the vehicle's bumper (102, Fig. 4), or on the side-view mirrors (104, Fig. 4). This limitation is not disclosed or suggested by McCarthy. As noted above, McCarthy's means of indicating a turn is to illuminate a textual message on a display. McCarthy never discloses or suggests that pairs of left/right turn signal indicators can be used. Claim 1 is therefore not anticipated.

Claim 14 recites that the "the turn signal indicator is external to the vehicle." This is not disclosed or suggested in McCarthy. As noted, McCarthy discloses use of a rear view mirror assembly, which is clearly internal to the vehicle. The Examiner doesn't explain why this limitation is present in McCarthy, as he merely cites to all of McCarthy's figures (1 and 2). See Office Action at pg. 7. However, it is possible that the Examiner believes McCarthy's external side view mirror assemblies 15 to comprise "turn signal indicator[s] external to the vehicle." But they are not. Instead, the function of the external side view mirrors 15 in McCarthy is to receive GPS data and provide it to the internal rear view mirror assembly for display to the driver:

A GPS receiver 14, to which is connected the GPS antenna 12, may also be mounted within an exterior side view mirror assembly 15. The geographic data output from the GPS receiver 14 **is then transferred to an interior rearview mirror assembly 17 for display with the driver** via a communication channel 16

McCarthy, ¶ [0010]. In short, nothing external to vehicle in McCarthy displays any turn signal indication, nor is anything to this effect suggested. Accordingly, claim 14 is not anticipated.

Claim 28 as originally filed, and claims 43 and 53 as amended herein, recite that the turn signal indicator is "independently manually activatable by a driver of the vehicle

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using a turn signal selector." This is not disclosed in McCarthy. The Examiner purportedly considered this limitation in conjunction with claim 28, but made absolutely no citation to where this limitation was disclosed in McCarthy.³ In fact, it is not so disclosed. Clearly, McCarthy discloses or suggests nothing about the ability for a driver to manually activate any turn signal indicator that might be present on McCarthy's rear view mirror assembly. As this limitation is not met, claims 28, 43 and 53 are not anticipated by McCarthy.

No amendment made was related to the statutory requirements of patentability unless expressly stated herein. No amendment made was for the purpose of narrowing the scope of any claim, unless the Applicant has argued herein that such amendment was made to distinguish over a particular reference or combination of references.

The Applicant believes that the subject application, as amended, is in condition for allowance. Such action is earnestly solicited by the Applicant.

In the event that the Examiner deems the present application non-allowable, it is requested that the Examiner telephone the Applicant's attorney at the number indicated below so that the prosecution of the present case may be advanced by the clarification of any continuing rejection.

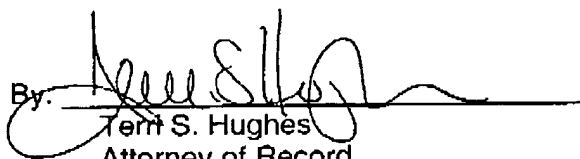
Please charge any fees that may be due to Deposit Account 502117, Motorola, Inc.

Respectfully submitted,

SEND CORRESPONDENCE TO:

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1303 East Algonquin Road
IL01/3rd Floor
Schaumburg, IL 60196
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By.


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Attachments

³ The Examiner states that activation of the turn signal indicator by the driver can comprise "turning on the power of the turn signal indicator," Office Action at pg. 8, but this is not what activation of the indicator comprises in the context of Applicant's application. In other words, the Examiner illogically and unreasonably construes this limitation in light of Applicant's specification. Moreover, and in any event, the Examiner makes no citation to McCarthy concerning where the driver can turn on or off the power of the turn signal indicator (i.e., the rear view mirrors). For both of these reasons, the Examiner's reasoning for rejection is not tenable.